

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6549**

**BILL NUMBER:** SB 217

**NOTE PREPARED:** Jan 17, 2004

**BILL AMENDED:** Jan 15, 2004

**SUBJECT:** Electronic Devices and Traffic Signals.

**FIRST AUTHOR:** Sen. Wyss

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a person may not use a device to alter the lighting sequence of a traffic control signal, unless the person is a public safety officer responding to an emergency or a technician installing, testing, or repairing a traffic control signal. It prohibits the sale of such devices to a nongovernmental entity. The bill increases the penalty for use of a counterfeit traffic control device or railroad crossing signal.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** The bill increases from a Class C infraction to a Class A infraction for the placement, maintenance, or display upon or in view of a highway, an unauthorized sign, signal marking, or device that: (1) purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal; (2) attempts to direct the movement of traffic; or (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal. The offense is a Class C misdemeanor if the person has a prior unrelated judgment for the offense.

The bill would also establish a Class A infraction for using a manually operated mobile transmitting (OPED) device to alter the lighting sequence of a traffic light. The offense would be a Class C misdemeanor if the person has a prior conviction for the offense. The bill also establishes a Class D felony for selling or offering to sell an OPED to a nongovernmental entity.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and

clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgement for a Class A infraction is \$10,000, while a Class C infraction is \$500. Infraction judgements are deposited in the state General Fund.

The maximum fine for a Class C misdemeanor is \$500 and for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 for an infraction or \$120 for a misdemeanor or felony would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 or \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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